IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1721 OF 2005

Nisar Sardar Bagwan & Ors. ...Petitioners

Versus

Shafi Abdul Rahiman Khatik & Ors. ...Respondents

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Mr. Amit Sale, counsel for Petitioners

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CORAM: B. H. MARLAPALLE, J.
DATED: 27TH APRIL, 2005

P. C.:-

1. Heard Mr. Sale, the learned counsel for the petitioners.

2. While rejecting the application for temporary injunction at Exh.5, the trial Court has protected the property of the plaintiff. The Lower Appellate Court dismissed the Misc. Appeal No. 138 of 2004. Both these orders do not make out a case warranting interference of this Court in a writ petition under Article 227 of the Constitution. The adjudication on the easementary rights of the plaintiffs are still pending and in addition to the prima facie case being in favour of the plaintiffs, both the courts below have examined the issue of irreparable loss and passed the impugned orders. The orders cannot be said to be perverse or patently erroneous. Hence, the writ petition is rejected summarily.

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